

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REBEKAH BURROUGHS, as the
Administratrix of the ESTATE OF
TODD BRENT BURROUGHS,

Plaintiff,

v.

SAMUEL S. PAGE, in his official
capacity as Sheriff of Rockingham
County, FRANK L. MARTIN, in his
individual capacity and official capacity,
and LIBERTY MUTUAL INSURANCE
CO., as surety,

Defendants.

Case No.: 1:17-cv-463

**JOINT MOTION FOR COURT APPROVAL OF SETTLEMENT
AND MOTION FOR DISMISSAL**

COMES NOW the Plaintiff, by and through her undersigned attorneys of record, John R. Edwards and Catharine E. Edwards; and the Defendants, by and through their undersigned attorneys of record, H. Lee Davis, Jr., Ann C. Rowe, and Jillian L. Tate; and, pursuant to the Notice filed by the Court on December 13, 2019 [ECF No. 87] and pursuant to Local Rule 17.1 of the United States District Court for the Middle District of North Carolina, hereby respectfully submit this Joint Motion for Court Approval of Settlement. Upon the Approval of the Settlement Agreement and the Execution and Entry of an Order Approving the Settlement, the Parties further move the Court pursuant to Rule 41 of the

Federal Rules of Civil Procedure for an Order of Dismissal with Prejudice of all claims asserted in this Action against all Defendants.

The parties have reached an agreement on the principles of a settlement of this matter. This matter involves minors and, therefore, the compromised settlement is subject to court approval under the law. The compromised settlement concludes all claims which were brought, or could have been brought, on behalf of the minors. Furthermore, the compromised settlement concludes all claims of Plaintiff, Rebekah Burroughs as Administratrix of the Estate of Todd Brent Burroughs and the compromised settlement of these claims includes disbursement of settlement funds to/on behalf of the minors.

The parties respectfully request that the following pleadings, previously filed with this Court, be considered as supporting documentation consistent with the requirements of Local Rule 17.1: Second Amended Complaint [ECF No. 15]; Brief in Support of Defendants' Motion for Summary Judgment [ECF No. 43]; Plaintiffs' Second Amended Brief in Response to Defendants' Motion for Summary Judgment [ECF No. 59]; Defendants' Reply Brief in Support of Defendants' Motion for Summary Judgment [ECF No. 62]. Furthermore, consistent with the requirements of Local Rule 17.1, the Plaintiff will submit additional supporting documents, including the Affidavit of Laura Harper; Affidavit of Donald Vaughan; Affidavit of Morgan Davis and Affidavit of Rebekah Burroughs.

Therefore, the parties respectfully move this Court for approval of the settlement and for entry of an Order approving the settlement.

Further, the parties respectfully request the opportunity to submit to the Court, prior to the Hearing, a joint proposed Order approving the settlement. The parties request permission to submit this joint proposed Order on or before Monday, January 6, 2020 and permission to submit this joint proposed Order via email to Judge Webster.

RESPECTFULLY SUBMITTED this the 31st day of December 2019.

/s/ John R. Edwards

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2019, I electronically filed on behalf of the Defendants the foregoing **Joint Motion for Court Approval of Settlement** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following persons. Further, this certifies that I electronically served the following persons.

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This the 31st day of December, 2019.

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